

**TRIBAL ENERGY PROGRAM
PEER REVIEW
REPORT**



April 2012

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EXECUTIVE SUMMARY

On April 24-25, 2012, a Peer Review of the DOE Office of Energy Efficiency and Renewable Energy Tribal Energy Program was held in Golden, CO. The Peer Review was conducted in accordance with the Energy Efficiency and Renewable Energy (EERE) Peer Review Guide for the purpose of providing information that assists program managers and staff to improve program performance.

The goal of this critical, formal, and documented evaluation process is to: 1) improve decision-making and program leadership; 2) improve productivity and management; 3) enable stakeholders to learn about the Program and projects; and 4) provide accountability for the use of public funds.

Tribal Energy Team (DOE, NREL, and SNL)

Younes Masiky, DOE HQ, led the Peer Review with the assistance of Lizana Pierce, DOE HQ duty-stationed at the DOE Golden Field Office (GO). Roger Taylor, National Renewable Energy Laboratory (NREL), Brian Hirsch (NREL), and Sandra Begay-Campbell, Sandia National Laboratories (SNL), presented the role of the laboratories in the program, and Chelsea Chee presented on her internship experiences. Also, present for the review were Jami Alley, Cass Gillham, and Kris Venema, GO support service employees, who support the DOE Project Officer at the Golden Field Office.

Peer Review Panel

The panel members included the following:

- 1) Randy Akers, Administrator Northern Plains Region, Office of Native American Programs, U.S. Department of Housing and Urban Development (member of the Comanche Nation);
- 2) Karen Atkinson, Director of Office of Indian Energy and Economic Development, U.S. Department of Interior (member of the Three Affiliated Tribes);
- 3) Tedd Buelow, Native American Coordinator, Rural Development, U.S. Department of Agriculture;
- 4) Dr. Gavin Clarkson, Associate Professor University of Houston Law Center (member Choctaw Nation);
- 5) Jodi Fondy, Energy Program Manager, Denali Commission; and
- 6) Leslie Wheelock, Director of Economic Policy, National Congress of American Indians (member of the Oneida Tribe of Indians of Wisconsin).

Peer Review Scope

The scope of the peer review covered activities since the inception of the program in 2002 with emphasis on activities since the previous peer review (March 2006).

Process

The program team presented the program scope, organization, budget, the competitive solicitation process, resulting projects, long-term goals, and accomplishments. A copy of the presentation material is included as Attachment 3.

During the presentations, the panel was encouraged to ask questions, provide verbal feedback, and document their individual observations relative to the review criteria. Following the presentations, the panel then met as a group, without program representatives, and developed ratings and consensus comments for each of the four criteria summarized below.

Results

The rating assigned by the panel was “good” for all of the criteria indicating that the Program comprehensively addressed the stated goals and objectives with minor areas identified for improvement. Below are the final panel ratings for each of the four criteria.

Criteria Factor	Rating
Appropriateness of the Program Scope and Objectives Relative to Available Resources	Good
Effectiveness in Meeting the Stated Goals Within Available Resources	Good
Adequacy of Reaching the Intended Audience	Good
Quality of the Competitive Process	Good

Prior to concluding the review, the peer review panel presented the results of their discussions to the program representatives. Below are additional verbal comments.

Additional panel comments included:

- The panel was very impressed.
- The program has a much bigger footprint than anyone would expect considering how few people are in the program.
- I felt in my heart a rating of a “5” (Superior); however we based our ratings on the definitions provided and were only able to rate as “Good” because the definition for “Superior” was “no practical ways identified to improve the Program”.
- The peer review is a good management practice.
- The Program created a robust pipeline of projects
- The metrics were difficult to assess as a baseline was needed.
- Advocate a reduction in cost share. A 50% cost share allows the ability to spread the dollars and should be able to attract capital, but it doesn’t.
- Need more specific goals and objectives.
- The annual Program Review is a best practice.

I. Tribal Energy Program Overview

The Tribal Energy Program under the Department of Energy's (DOE) Office of Energy Efficiency and Renewable Energy (EERE) promotes Tribal energy sufficiency and fosters employment and economic development on America's Tribal lands through financial and technical assistance to Tribes.

The program offers financial and technical assistance to Tribes to evaluate and develop their renewable energy resources and reduce their energy consumption through efficiency and weatherization. As building knowledge and skills is essential to developing and sustaining clean energy projects, the program also offers education and training. For more information, see the program website at www.eere.energy.gov/tribalenergy/.

The mission of the Tribal Energy Program is to offer financial and technical assistance to Tribes through government-to-government partnerships that:

- 1) Enable Tribal leaders to make informed decisions about energy choices;
- 2) Bring renewable energy and energy efficiency options to Indian Country;
- 3) Enhance human capacity through education and training;
- 4) Improve local Tribal economies and the environment; and
- 5) Make a difference in the quality of life of Native Americans.

DOE's Tribal Energy Program has funded a total of 159 Tribal energy projects totaling \$36.0 million (2002-2011), leveraged by \$30.9 million in cost share. A summary of project funding is included in the table below, followed by graphics reflecting the types of projects and locations.

TRIBAL ENERGY PROGRAM FUNDING HISTORY				
Fiscal Year	Number of Awards	DOE Funding	Cost Share	Project Costs
2002	14	\$3,077,950	\$760,547	\$3,838,497
2003	24	\$4,375,207	\$1,113,991	\$5,489,198
2004	7	\$891,764	\$180,987	\$1,072,751
2005	20	\$2,593,285	\$944,731	\$3,538,016
2006	11	\$1,487,489	\$556,323	\$2,043,812
2007	15	\$1,725,812	\$538,797	\$2,264,609
2008	2	\$2,299,461	\$2,299,461	\$4,598,922
2009*	-	0	0	0
2010	36	\$13,952,686	\$22,705,847	\$36,658,533
2011	30	\$5,610,208	\$1,811,182	\$7,421,390
TOTAL	159	\$36,013,862	\$30,911,866	\$66,925,728

*FY09 funds carried over and used to funds selected projects in FY10

DOE has Funded 159 Tribal Energy Projects Investing \$36 Million (2002-2011)



II. Peer Review

Peer Review

A critical, formal, and documented evaluation process using objective criteria and qualified, independent reviewers to make a judgment of the technical, scientific and business merit, the actual or anticipated results, and the productivity and management effectiveness of programs and/or projects.

Purpose

The primary purpose is to provide information that assists program managers and staff to improve program performance.

Goal

The goal of the peer review is to: 1) improve decision-making and program leadership; 2) improve productivity and management; 3) allow stakeholders to learn about the Program and projects; and 4) provide public accountability for the use of public funds.

III. Peer Review Meeting

Scope

The scope of the peer review covers activities since the inception of the program in 2002 with emphasis on activities since the previous peer review (March 2006).

Peer Review Meeting

The Peer Review meeting was held April 24-25, 2012 at 1726 Cole Boulevard, Suite 350, Golden, Colorado. Participants in the review included the DOE program and project

management team, peer reviewers, and representatives from the DOE National Laboratories. An agenda for the Peer Review meeting is attached (Attachment 2).

Peer Review Panel Members

The Peer Review Panel (Panel) consisted of a panel of independent external reviewers with expertise in clean energy, policy, or Indian Country. Panel members included:

- 1) Randy Akers, Administrator Northern Plains Region, Office of Native American Programs, U.S. Department of Housing and Urban Development (member of the Comanche Nation);
- 2) Karen Atkinson, Director of Office of Indian Energy and Economic Development, U.S. Department of Interior (member of the Three Affiliated Tribes);
- 3) Tedd Buelow, Native American Coordinator, Rural Development, U.S. Department of Agriculture;
- 4) Dr. Gavin Clarkson, Associate Professor University of Houston Law Center (member Choctaw Nation);
- 5) Jodi Fondy, Energy Program Manager, Denali Commission; and
- 6) Leslie Wheelock, Director of Economic Policy, National Congress of American Indians (member of the Oneida Tribe of Indians of Wisconsin).

Criteria

The Peer Review is intended to address:

- 1) Appropriateness of the Program scope and objectives relative to available resources;
- 2) Effectiveness in meeting stated goals within available resources;
- 3) Adequacy of reaching the intended audience; and
- 4) Quality of the competitive process.

Additionally, the panel was requested to provide recommendations for future activities and ways in which the Program can be improved.

Materials

Review materials provided to the Peer Review Panel members consisted of the following:

- 1) Agenda
- 2) Peer Review Plan
- 3) Review presentation material

Additionally, the panel was provided a copy of the Mescalero Apache Strategic Plan as a sample result from a strategic energy planning session. The Mescalero Apache Tribe granted the Program permission to share their information to the Peer Review Panel only and not for public disclosure; therefore it is not included as part of this report. These strategic energy planning sessions are provided upon request as part of technical assistance offered under the Program.

Chelsea Chee, a student intern under the 2011 summer session, presented on her research and a copy of her report "Energy Efficiency and Renewable Energy Benefits, Agua Caliente Band of Cahuilla Indians via Implementation at their Indian Canyons Trading Post" was provided to the panel.

Panel Review

During the meeting, the peer review panel was requested to:

- 1) Independently rate the program and document observations and recommendations; and
- 2) Participate in developing consensus ratings and comments.

Peer Review Panel Feedback

Panel discussion and feedback was requested during the meeting and written comments and a consensus qualitative rating for each criterion was requested at the conclusion of the meeting.

Rating Scale

During the meeting, the Panel was asked to document strengths and weaknesses, and rate the Program on the established criterion. The following rating scale was used to obtain a measure of performance of the Program.

- 5 Superior:** The Program effectively achieved all stated goals and objectives. There were no practical ways identified to improve the Program.
- 4 Good:** The Program comprehensively addressed the stated goals and objectives with minor areas identified for improvement.
- 3 Satisfactory:** The Program adequately met the stated goals and objectives with some areas identified for improvement.
- 2 Marginal:** The Program minimally addressed the goals and objectives and contained major areas in need of improvement.
- 1 Unsatisfactory:** The Program failed to meet the stated goals and objectives and had significant areas of weaknesses requiring improvements.

IV. Panel Ratings and Comments

Below are the consensus review ratings and comments for each of the criterion.

Description	Rating
Criterion 1: Appropriateness of the Program Scope and Objectives Relative to Available Resources	4
<p>Strengths:</p> <p>TEP has deployed grant funds in each of First Steps, Feasibility, Development, and Deployment categories. The panel considers this balanced approach a strength.</p> <p>TEP is proactive in consulting with other agencies and stakeholders, and revising its objectives appropriately through the program review process.</p> <p>Program facilitates capacity building for the successful execution of the project, and fosters spirit of ownership on the part of Tribes.</p> <p>Weaknesses:</p> <p>2017 Metrics related to long-term energy plans and installed capacity/building energy reduction are difficult to measure and do not have a baseline. Recommend updating Strategic Plan to better articulate goals, objectives, and associated measurable metrics.</p> <p>Comments:</p> <p>Capture more metrics on past awards: commercial scale, community scale to better inform decisions. Report deployments not only in numbers of projects funded but also in dollar amounts funded in each of the categories.</p> <p>Program Re-focus – Ideally, the TEP program would foster a robust consultation process and listening sessions to gather information and inform the development of an updated strategic plan leading into any program re-focus. Panel believes the program should continue to have flexible funding targets including all four categories for large-scale, community scale, and energy efficiency projects. In the near term, TEP should focus on leveraging existing studies, audits, and other deliverables that resulted from ARRA funded projects to generate additional projects in the pipeline, share with industrial partners, to inform about additional funding opportunities, and develop baselines for metrics.</p>	

Description	Rating
Criterion 2: Effectiveness in Meeting the Stated Goals Within Available Resources	4
<p>Strengths:</p> <p>TEP has successfully implemented the Student Internship program, resulting in full time employment of former interns. TEP successfully promotes recruitment, retention, and education of Native professionals.</p> <p>TEP's efforts have produced a robust project pipeline. Also, the efforts have increased Tribally based capacity for managing renewable energy issues and technologies.</p> <p>The number and quality of applications has increased, even with flat or decreasing program finances. This increase is potentially due to the expansion of outreach capabilities in cooperation with partners, technical assistance, and the annual Program Review.</p> <p>Weaknesses:</p> <p>The program has been limited in funding renewable energy technology projects due to the downturn in the economy, 50% match requirement, limited program resources, and lack of alternative funding resources in other programs.</p> <p>TEP goals need to be clearly articulated in order to determine if they have been effectively met.</p> <p>Comments:</p> <p>To make a full assessment of meeting the goals, the panel would need more detailed information about dollar amounts deployed in each of the four categories.</p> <p>Panel would have liked a clear articulation of the goals of the TEP program. Recommend updating Strategic Plan.</p>	

Description	Rating
Criterion 3: Adequacy of Reaching the Intended Audience	4
<p>Strengths:</p> <p>Effective use of email and government websites to conduct outreach and notification of funding opportunities.</p> <p>The annual Program Review meeting is a best practice in providing a forum for Tribal clients to share information and learn about DOE and other resources.</p> <p>TEP effectively uses its listserv to reach a large audience.</p> <p>Providing dedicated staff to remote areas is considered a strength.</p> <p>Use of partners across all organizations (federal and non-federal) to amplify message is successful.</p> <p>Weaknesses:</p> <p>Additional funding and additional staff would enable the program to more effectively reach more of the intended audience.</p> <p>There is a high potential for audience confusion with respect to the various roles and responsibilities between OIEPP and DOE TEP. In addition, the similar name of OIEED at DOI adds to confusion (comment).</p> <p>Comments:</p>	

Description	Rating
Criterion 4: Quality of the Competitive Process	4
<p>Strengths:</p> <p>Throughout the review teams, the consistency of the scoring criteria ensured a fair and transparent process.</p> <p>The practice of soliciting volunteers from other agencies is considered a strength, promoting collaboration among federal agencies. This process also assists in preventing duplicative efforts across agencies.</p> <p>Effective use of email and government websites to conduct outreach and notification of funding opportunities.</p> <p>TEP effectively deploys grant funds across a broad swath of Indian country.</p> <p>Weaknesses:</p> <p>The segregation of independent and federal review panels is considered a weakness in the entire review process. Strongly recommend including independent reviewers on the merit review panel.</p> <p>Comments:</p> <p>Rating for this criterion would have been Superior (5) if not for the stated weakness, which the panel acknowledges is outside of the program's control.</p>	

Attachment 1

Peer Review Panel Biographies

Randy Akers, U.S. Department of Housing and Urban Development (member of the Comanche Nation of Oklahoma)

Randy Akers is the Administrator of the Northern Plains Office of U.S. Department of Housing and Urban Development, Office of Native American Programs (NPONAP). The NPONAP provides a wide range of housing and community development assistance to 32 Federally recognized Tribal governments in a seven state region, comprised of Colorado, Utah, Wyoming, Montana, North Dakota, South Dakota, and Nebraska. Prior to taking his current position, for 21 years Akers was Associate Field Counsel for the San Francisco and Phoenix HUD ONAPs, serving as the principal point of legal contact for HUD programs delivered to 172 Tribes located in the western United States. During 1997, Akers was part of the OGC team providing legal support to the NAHASDA negotiated rulemaking committee. In 1999, he participated in the One Stop Mortgage Center Initiative, a federal-tribal partnership to reform mortgage lending in Indian Country.

Karen Atkinson, U.S. Department of Interior (member of the Three Affiliated Tribes)

As the Director of the U.S. Department of Interior's (DOI) Office of Indian Energy and Economic Development (IEED), Atkinson oversees an agency that provides services to Federally recognized Tribes in the areas of economic development, employment and training, and energy and mineral development, and administers the Indian Guaranteed Loan Program.

Atkinson returns to the Interior with 23 years of experience working in the public, private and non-profit sectors, including four years with the Department as a senior counselor to the Assistant Secretary for Fish, Wildlife and Parks and deputy director of the National Park Service. Immediately prior to her appointment, Atkinson was the president of Tribal Strategies, Inc., a Washington, D.C. based consulting firm she established that advises Tribes, Native American entrepreneurs and private industry on energy, economic development and small business issues to enhance economic opportunities in Tribal communities.

Atkinson also served as the first executive director of the Native American Contractors Association (NACA), a trade association that promotes the interests of Native American small businesses who provide professional services to the Federal government. After leaving the Interior Department in 2001, Atkinson served on the staff of the Senate Committee on Indian Affairs as senior counselor to Sen. Daniel K. Inouye, where she worked with Tribal leaders and helped to draft the Indian Tribal Energy Development and Self-Determination Act of 2005. That legislation promotes tribal energy sufficiency and economic development.

Prior to her time at Interior, Atkinson had her own law practice in Albuquerque, N.M., and she served as a negotiator and drafter of a secretarial order on American Indian Tribal rights and the Endangered Species Act issued by Interior and the U.S. Department of Commerce in 1997. Atkinson also worked as an attorney for the Confederated Salish and Kootenai Tribes in Montana, where she worked extensively on treaty rights and cultural resource protection issues. Upon graduation from law school, Atkinson served as senior judicial law clerk to then-U.S. District Judge Juan Burciaga in Albuquerque.

Atkinson is the recipient of the National Park Service Achievement Award in 2000 for her work on the Grand Canyon Over Flights Team, and has served as an advisor to the National Trust for Historic Preservation. She was also program director for Duke University's Executive Education Tribal Consultation Course, and since 2001 has provided training on tribal economic development and small business issues. In addition, she has authored several publications on Tribal business, energy development and land use.

Atkinson earned her undergraduate degree from Stanford University and her law degree in 1987 from the University of New Mexico, School of Law, where she was a member of the Natural Resource Journal law review, graduating with honors.

Tedd Buelow, U.S. Department of Agriculture Rural Development

Tedd Buelow is the Native American Coordinator for U.S. Department of Agriculture Rural Development (USDA). Buelow returned to USDA from the Treasury Department in November of 2005. While at Treasury he was a Financial and Program Analyst for the Native American programs at the Community Development Financial Institutions (CDFI) Fund. Prior to that, Mr. Buelow worked as a Desk Officer serving the Northwest Region for USDA Rural Development's Community Development Programs. Buelow began his federal career in Morocco where he volunteered as a Rural Socio-Economic planner with the U.S. Peace Corps in the Eastern High Atlas National Park. He was born and raised in Minneapolis, Minnesota and holds both a Bachelor's (University of Minnesota) and Master's degree (University of Wisconsin-Milwaukee) in Anthropology.

Dr. Gavin Clarkson, University of Houston Law Center

Dr. Gavin Clarkson is an associate professor at the University of Houston Law Center, where he conducts research in two distinct areas: intellectual property management and tribal economic development, including Tribal access to capital markets and the determinants of success for Tribal entrepreneurship.

Dr. Clarkson holds both a bachelor's degree and an MBA from Rice University, a doctorate from the Harvard Business School in Technology and Operations Management, and is a *cum laude* graduate of the Harvard Law School, where he was the managing editor of the Harvard Journal of Law and Technology and president of the Native American Law Students Association.

In July 1991, he joined the faculty of Rice University, serving as a Lecturer in Computer Science until 1998. From 1998 until 2003, Dr. Clarkson was the KPMG Fellow at the Harvard Business School. During that time he was also the John M. Olin Research Fellow in Law, Economics, and Business, the Reginald F. Lewis Fellow for Law Teaching, and held a university-wide fellowship, the 1665 Harvard University Native American Program Fellowship. From 2003 until 2008, Dr. Clarkson was an assistant professor in the School of Information at the University of Michigan, with simultaneous appointments at the Law School and in Native American Studies. At Michigan he grew the Indian Law program from 5 students in 2003 to more than 60 by 2008.

An enrolled member of the Choctaw Nation of Oklahoma, Dr. Clarkson has consulted, written, and published extensively on Tribal sovereignty, tribal governance systems, tribal economic development, and Tribal asset management, and has conducted significant research on the empirical data underlying the American Indian mascot controversy. Dr. Clarkson was also a contributing author for the most recent edition *Felix Cohen's Handbook of Federal Indian Law*, providing material on Tribal finance, Tribal corporations, economic development, and intellectual property. Dr. Clarkson holds the Series 7, Series 24, and Series 66 Securities licenses from the

Financial Industry Regulatory Authority (FINRA, formerly NASD). He recently testified before the Senate Finance Committee regarding discriminatory impediments to Tribal access of the capital markets, and he was recently awarded a grant from the National Science Foundation to study Tribal finance information systems.

In the non-Indian arena, Dr. Clarkson's principal research interest is intellectual property strategy. A major area of current focus involves the identification and analysis of patent thickets—dense webs of overlapping intellectual property rights that an organization must “hack” its way through in order to commercialize new technology. In industries characterized by cumulative innovations and multiple blocking patents, the existence of densely concentrated patent rights can have the perverse effect of stifling innovation rather than encouraging it. Dr. Clarkson's research is developing fundamental insights into the interrelationships between multiple technologies, particularly in the case of patent pools (an organizational structure where multiple firms aggregate patent rights into a package for licensing), which are a potential solution to the problem of patent thickets. Dr. Clarkson was recently awarded a grant from the National Science Foundation for his Patent Cartography project, which is examining ways to simplify the process of searching through the patent space.

Dr. Clarkson has almost two decades of management experience, primarily in the technology industry, and has successfully launched several information technology companies including a software company, an online database firm, a special function web development company, and an internet-based education development enterprise.

Jodi Fondy, Denali Commission

Jodi Fondy is a second generation Alaskan, born and raised in Anchorage. Ms. Fondy is currently responsible for the Commission's Energy Program, which specializes in bulk fuel storage, community power systems, and alternative/renewable energy infrastructure in rural Alaska. Ms. Fondy previously served in a deputy capacity for the program for 5 years. Prior to joining the Commission, she was Director of Marketing for a mechanical and electrical engineering firm.

Leslie Wheelock, National Congress of American Indians (member of the Oneida Tribe of Indians of Wisconsin)

Leslie Wheelock is the Director of Economic Policy at the National Congress of American Indians. Ms. Wheelock has more than 20 years' experience working in and providing the legal and management support for start-up businesses, financial services companies, international corporations, 8(a) entities and other organizations in the United States and Europe.

Prior to joining NCAI, Wheelock was at NANA Development Corporation where she was legal counsel to NANA's federal government contracting companies based in Herndon, Virginia. Ms. Wheelock has worked for a variety of telecommunications, technology and financial services companies. From 2003 until 2006, she worked at the Smithsonian National Museum of the American Indian and she continues to be active on the Board of Directors of the Smithsonian American Indian Museum in New York and on the Museum's National Council.

Ms. Wheelock earned her J.D. and M.B.A from Cornell and is a member of the bars in New York, Connecticut, Washington, DC and Virginia.

Attachment 2

FY2012 Peer Review Meeting Agenda

Tuesday April 24th

TIME	DESCRIPTION	PRESENTER
8:30 a.m.	Check-in and Badges	
9:00 a.m.	Welcoming Remarks	Younes Masiky
9:15 a.m.	Introductions	All
9:30 a.m.	Agenda, Purpose and Scope	Lizana Pierce
10:00 a.m.	Program Overview and Program Management	Younes Masiky
10:45 a.m.	Break	
11:00 p.m.	Financial Assistance and Project Management	Lizana Pierce
12:00 p.m.	Lunch	
1:30 p.m.	Technical Assistance Overview	Lizana Pierce
1:45 p.m.	National Renewable Energy Laboratory (NREL) Laboratory Overview Technical Assistance	Roger Taylor Brian Hirsch
2:30 p.m.	Sandia National Laboratories (SNL) Laboratory Overview Technical Assistance	Sandra Begay-Campbell
3:00 p.m.	Break	
3:15 p.m.	Information and Education Overview	Lizana Pierce
3:30 p.m.	Informational Resources	Lizana Pierce
3:45 p.m.	Training	Roger Taylor
4:15 p.m.	Student Internship Program	Sandra Begay-Campbell Chelsea Chee
4:45 p.m.	Program Re-focus	Younes Masiky
5:00 p.m.	Panel Q&As	All
5:30 p.m.	Adjourn	

Wednesday April 25th

TIME	DESCRIPTION	PRESENTER
8:30 a.m.	Panel Q&A's	All
9:00 a.m.	Panel Discussion/Rating	Review Panel Only
11:00 a.m.	Panel Feedback	All
12:30 p.m.	Closing Remarks	Younes Masiky
1:00 p.m.	Adjourn	

Attachment 3

Presentation Material